

6

Export Certification
Manual

Special Procedures

Federal-State Cooperative Program

Contents

Introduction	page 6-5-1
How States Enter the Federal-State Cooperative Program	page 6-5-1
Basic Requirements and Procedures for Nominating State Officials	page 6-5-2
Maintenance of the Federal-State Cooperative Program	page 6-5-5
Memorandum of Understanding for the Program	page 6-5-5
Lists of Active MOUs for Federal-State Cooperative Programs	page 6-5-10

Introduction

The Federal and State Departments of Agriculture participate in cooperative agreements to more effectively perform phytosanitary export certification. The USDA-APHIS-PPQ phytosanitary export certification program is expanded to enable designated State cooperators to issue Federal plant export certificates at interior points of origin in the United States.

To obtain authority to issue Federal plant export certificates, a State plant regulatory agency **must** agree to sign a Memorandum of Understanding (MOU) with the USDA-APHIS-PPQ. The MOU is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the Federal and State Departments of Agriculture.

How States Enter the Federal-State Cooperative Program

To ensure a successful cooperative program for phytosanitary export certification, the following steps **must** be followed to officially enter the State into the Federal-State Cooperative Program (the Program):

1. Plant regulatory official of a State Department of Agriculture writes to the Deputy Administrator of USDA-APHIS-PPQ and asks to participate in the Program.
2. Written request is processed through USDA-APHIS-PPQ, Phytosanitary Issues Management, Exporter Services.
3. Export Services and USDA-APHIS, Marketing and Regulatory Programs Business Services, Financial Management Division's Agreements Services Center (ASC) develop a standardized Memorandum of Understanding (MOU). This document is

transmitted to PPQ regional directors under a cover memorandum providing relevant guidance. A copy of the letter is provided to ASC.

4. The PPQ regional office initiates an MOU with each State plant regulatory official, assigning regional control numbers. The same sequential control number is carried forward for those MOUs that are continuations for an additional 5-year period. The PPQ regional office submits three originals of the MOU to the State plant regulatory official for signature.
5. The State plant regulatory official signs all copies of the MOU and returns them to the PPQ regional office to be signed by the Regional Director. The MOU is effective upon date of final signature by the Regional Director for the period indicated in the MOU, **not** to exceed 5 years.
6. The PPQ regional office retains the original, sends one to the State, and the third to the Export Certification Specialist with oversight responsibility for the particular state. The PPQ regional office also provides a copy of the MOU to Export Services and the ASC. If additional copies are needed, contact the PPQ regional office.

Basic Requirements and Procedures for Nominating State Officials

Agents may conduct phytosanitary field inspections of seed crops in cooperation with and on behalf of those State plant regulatory agencies electing to use agents and maintain a MOU with USDA-APHIS-PPQ. The MOU **must** state that agents shall be used in accordance with the regulations in 7CFR 353.

The basic requirements and procedures for nominating state officials are as follows¹:

1. The State submits a letter to their Export Certification Specialist (ECS) or other responsible officer (who might be a regional export program official or PPQ officer-in-charge) with the name of a State official (along with the official's experience and educational qualifications) to be designated as an agent of the Program. The candidate **must** meet or exceed the following basic requirements for the position of agent as listed in 7CFR 353.6, totaling 5 years.
 - A. Ability to recognize plant pests in those crops that are inspected, including symptoms and/or signs of disease-causing organisms of concern to importing countries

¹ The basic requirements and procedures for nominating State officials are in accordance with USDA-APHIS-PPQ ACO Quality Manual. See also *Special Procedures, Accreditation, [Accreditation of Authorized Certification Officials](#)* on [page 6-2-1](#).

- B.** Bachelor's degree in biological sciences and a minimum of 1 year's experience in identifying plant pests endemic to crops of commercial importance within the cooperating State, or one of the following combinations of higher education in the biological sciences² and experience in identifying such plant pests (years of education and experience **do not** have to be acquired consecutively)

EXAMPLE

Examples of acceptable qualifications are as follows:

- ◆ 0 years education and 5 years experience
- ◆ 1 year education and 4 years experience
- ◆ 2 years education and 3 years experience
- ◆ 3 years education and 2 years experience
- ◆ 4 years education and 1 year experience

- C.** Successfully complete annual training provided by the State plant regulatory agency as described in 7CFR 353.6
- D.** Have access to Federal or State laboratories for positive identification of plant pests detected
- E.** No agents shall inspect any plants or plant products in which they or a member of their family are directly or indirectly financially interested.
- 2.** The ECS or other responsible officer reviews the candidate's qualifications to verify that the State official has met the experience and educational requirements as stated in the NAPPO standard section 2.4.2., 7CFR 353, and the *Export Certification Manual*.
- 3.** The ECS forwards the candidate's name and summary of qualifications to Export Services for final approval.
- 4.** Export Services gives the ECS either approval to proceed with administering *PPQ's Export Certification Training* for the candidate's initial accreditation, or disapproves training for a candidate who is ineligible for accreditation due to **not** meeting the basic experience and educational requirements of the MOU.



ECSs may administer *PPQ's Export Certification Training* to a State official who is ineligible for accreditation for the purpose of providing knowledge of Federal regulations, which may improve the official's performance in issuing State phytosanitary certificates. However, these ineligible State officials will **not** be accredited to issue Federal plant export certificates until all the basic educational and experience requirements are met.

² One year equals 12 credit units in the biological sciences. Examples of courses to meet educational requirements can be found in NAPPO standard #8, Accreditation of Individuals.

5. The ECS or designated trainer administers *PPQ's Export Certification Training* and test to the candidate following guidelines in the *Administrative Guide for Export Certification Training*. The candidate **must** achieve a score of 80 percent or better to be accredited to issue Federal plant export certificates.
6. USDA-APHIS-PPQ Professional Development Center notifies Export Services of the training results.
7. State officials who successfully complete Export Certification Training are granted accreditation by Export Services and receive official documentation of accreditation. Their names, accreditation numbers, date of accreditation, and expiration date are entered into an ACO database. ECSs issue each ACO a PPQ Form 580, ACO Identification Card³. The process is as follows:
 - A. Export Services sends to the USDA-APHIS-PPQ State Plant Health Director (SPHD) a letter of accreditation and two copies along with a self-addressed envelope. Export Services sends a courtesy copy to the ECS.
 - B. SPHD notes the accreditation, then forwards to the State plant regulatory official (SPRO) the two copies of the letter of accreditation along with the self-addressed envelope.
 - C. SPRO presents the letter of accreditation and self-addressed envelope to the State official. The State official signs one copy of the letter and sends the signed copy back to Export Services in the provided envelope.
8. Once the letter of accreditation and PPQ Form 580, ACO Identification Card, is signed by the State official, then the official is an accredited ACO, authorized to issue Federal plant export certificates. Initial accreditation is valid for 3 years from date of issue.
9. In order to maintain ACO accreditation, ACOs or their supervisors **must** request reaccreditation training from their ECS before their expiration date.
10. The ECS or designated trainer administers reaccreditation training and a renewal test to the ACO following guidelines in the *Administrative Guide for Export Certification Training*. The ACO **must** achieve a score of 80 percent or better to retain accreditation.
11. The ECS documents reaccreditation training results in the ACO database and issues an updated PPQ Form 580 to the ACO. Reaccreditation is valid for 3 years from date of issue.

3 For ECS instructions to complete PPQ Form 580, see *Appendix B, Forms*, [Instructions to Complete PPQ Form 580](#) on [page B-1-15](#).

Maintenance of the Federal-State Cooperative Program

The Federal-State Cooperative Program is maintained as follows⁴:

1. Export Services maintains a current list of designated State cooperators in an ACO database. If there are questions concerning eligibility, qualifications, or designation of new State officials, direct them to Export Services through proper channels (see contact protocol in [Table 2-1-1 on page 2-1-13](#)).
2. State officials are responsible for notifying the ECS when a designated State cooperator retires or otherwise separates from State employment. The ECS is responsible for contacting Export Services via the ACO database.
3. Inactive ACOs are designated in the ACO database as on inactive status (unable to issue or sign Federal plant export certificates). They can be returned to the active status when the following has been completed:
 - A. 60-days of regulatory experience under an active ACO
 - B. Reaccreditation training and reaccreditation test

Memorandum of Understanding for the Program

Memorandum of Understanding (MOU) for the Program is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the State and Federal Departments of Agriculture. MOUs are effective when the USDA-APHIS-PPQ official signs the agreement. MOUs are renewed every 5 years. The content of the MOU is subject to change as directed by Export Services in collaboration with the Agreements Services Center. Amendments **must** be formally signed by the State plant regulatory official and the representative of USDA-APHIS-PPQ. See [Figure 6-5-1 on page 6-5-6](#) through [Figure 6-5-4 on page 6-5-9](#) for an example of the MOU for the Program.

⁴ See also, *Special Procedures, Accreditation Programs*, [Accreditation of Authorized Certification Officials](#) on [page 6-2-1](#).

APHIS Agreement # XX-XX-XX-XXXX-MU

**MEMORANDUM OF UNDERSTANDING
Between the
[INSERT NAME OF COOPERATOR] (STATE)
and
THE UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE (SERVICE)**

ARTICLE 1—PURPOSE

This memorandum provides for cooperative participation between the parties to perform phytosanitary export certification of plants and plant products and to expand the system of issuance of Federal plant export certificates. For the purpose of this memorandum, Federal plant export certificates are defined as Phytosanitary Certificate (PPQ Form 577), Export Certificate Processed Plant Products (PPQ Form 578), Phytosanitary Certificate for Re-export (PPQ Form 579), and Certificate of Heat Treatment (PPQ Form 553). Under the expanded system, these listed certificates will be issued at interior United States points of origin, in particular, to cover containerized and door-to-door shipments intended for export. This Memorandum enhances the ability of the Service to provide Federal phytosanitary export certification to customers.

ARTICLE 2—BACKGROUND

Historically, phytosanitary export certification was performed at points of export by Federal Inspectors. A need arose for certification of commodities at interior points of commodity origin. Representatives of the Service and States developed a Memorandum of Understanding that provided for phytosanitary certification at interior points of the United States by Inspectors from State Departments of Agriculture.

ARTICLE 3—AUTHORITIES

APHIS is authorized by the Plant Protection Act, Sec. 431(a), Public Law 106-224, to cooperate with other Federal agencies, the governments of foreign countries, international organizations or associations, states or their political subdivisions, farmer's associations, and other persons to detect, eradicate, suppress, control, and prevent or retard the spread of plant pests or noxious weeds.

ARTICLE 4—OBJECTIVES

This Memorandum will serve to establish the parties' responsibilities under the cooperative program, and to define in general terms the basis on which the parties concerned will cooperate.

FIGURE 6-5-1: Example of MOU for the Federal-State Cooperative Program (Page 1 of 4)

ARTICLE 5—MUTUAL AGREEMENT

The cooperating parties agree:

- a) Overall direction and control of this cooperative program is to be maintained by the Service. However, personnel of the State will remain administratively responsible to the State.
- b) The State shall be responsible for conducting inspection and certification in accordance with the policies, directives and regulations of the Service and within the scope of the law.
- c) The State will retain administrative responsibilities for its personnel certified to participate in the program.
- d) To only issue Federal plant export certificates for international commerce.

ARTICLE 6—STATE RESPONSIBILITIES

The State agrees:

- a) In conducting the Basic Phytosanitary Export Certification Program:
 - 1) To cooperate with the Service in the inspection and certification of plants and plant products for export.
 - 2) To nominate to the Service qualified State inspectors to perform inspection and certification work.
 - 3) That nominees for designation as inspectors under this Memorandum shall meet or exceed the basic requirements as defined in export certification regulations, 7CFR 353.6(b).
 - 4) To submit to the Service, for review and concurrence, the names and qualifications covering those personnel nominated for designation as inspectors.
 - 5) That State personnel authorized to issue Federal plant export certificates under this Memorandum shall participate, without cost to the Service, in an orientation and training program conducted by the Service.
- b) In conducting the Phytosanitary Field Inspection of Seed Crops Program:
 - 1) To use only those agents that meet or exceed the basic requirements as defined in export certification regulations, 7CFR 353.6(a).
 - 2) To provide agents with training and resources in accordance with 7CFR 353.6(a)(2).

FIGURE 6-5-2: Example of MOU for the Federal-State Cooperative Program (Page 2 of 4)

- 3) To terminate, after notification, an agent's participation in the inspection activities when the agent is identified as not following established procedures for proper recording or reporting of pest organisms found.
- 4) To monitor inspection activities of designated agents during each growing season in cooperation with the Service.

ARTICLE 7—APHIS RESPONSIBILITIES

The Service agrees, in conducting the Basic Phytosanitary Export Certification Program:

- a) To issue a letter of designation as an inspector or agent to those qualified State or county personnel who have complied with the requirements of article 6.
- b) To conduct an orientation and training program for qualified State employees prior to designation.
- c) To provide refresher training every three years for those qualified State employees designated as inspector under article 6.
- d) To provide designated inspectors with an Export Certification Manual, access to EXCERPT, and such other information as is necessary and appropriate for the proper certification of products to be exported.
- e) To provide program oversight by conducting field audits of facilities and personnel to ensure conformance with APHIS regulations, policies and procedures.

ARTICLE 8—FINANCIAL OBLIGATION

This Memorandum does not constitute a financial obligation to serve as a basis for expenditures. Each signatory party is to use and manage its own funds in carrying out the purpose of this Memorandum. No transfer of Federal funds will be involved under this Memorandum.

ARTICLE 9—LIMITATION OF COMMITMENT

The responsibilities assumed by each of the cooperating parties are contingent upon funds being available from which the expenditures may legally be met. This Memorandum and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States. It is understood and agreed that any moneys allocated for purposes covered by this Memorandum shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If fiscal resources are to transfer, a separate agreement must be developed by the parties.

FIGURE 6-5-3: Example of MOU for the Federal-State Cooperative Program (Page 3 of 4)

ARTICLE 10—CONGRESSIONAL RESTRICTION

Under 41USC 22, no member of or delegate to, or Commissioner appointed by Congress shall be permitted to share in any part of this Memorandum or to derive benefit from it, unless the sharing and benefit was made for the benefit of the general public.

ARTICLE 11—AMENDMENTS

This Memorandum may be amended at any time by mutual agreement of the parties in writing.

ARTICLE 12—EFFECTIVE DATE, DURATION AND TERMINATION

This Memorandum will be in effect upon date of final signature and will continue for 5 years from that date. This Memorandum may be terminated by either party upon thirty (30) days written notice to the other party. Signature of this Memorandum shall cancel all previous Memorandums of Understanding for phytosanitary export certification between the parties.

XXXXXXXXXX STATE DEPARTMENT OF AGRICULTURE

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE**

Date

FIGURE 6-5-4: Example of MOU for the Federal-State Cooperative Program (Page 4 of 4)

Lists of Active MOUs for Federal-State Cooperative Programs

All States have entered into an MOU for Federal-State Cooperative Program. See [Figure 6-5-5 on page 6-5-10](#) for a list of active Federal-State MOUs for Eastern States. See [Figure 6-5-6 on page 6-5-11](#) for a list of active Federal-State MOUs for Western States.

Cooperating State	MOU Number	Date Signed
Alabama Department of Agriculture and Industries	02-8301-0058-MU	2/26/2002
Connecticut Agriculture Experiment Station	02-8210-0175-MU	3/12/2002
Delaware Department of Agriculture	02-8228-0179-MU	2/26/2002
Florida Department of Agriculture and Consumer Services	02-8312-0037-MU	2/28/2002
Georgia Department of Agriculture	02-8313-0038-MU	2/26/2002
Illinois Department of Agriculture	02-8233-0197-MU	3/20/2002
Indiana Department of Natural Resources	02-8232-0176-MU	2/28/2002
Kentucky-State Entomologist, University of Kentucky	02-8321-0044-MU	3/12/2002
Maine Department of Agriculture	02-8205-0043-MU	5/23/2002
Maryland Department of Agriculture	02-8224-0156-MU	6/21/2002
Massachusetts Department of Agriculture	02-8209-0173-MU	4/8/2002
Michigan Department of Agriculture	02-8231-0172-MU	3/20/2002
Minnesota Department of Agriculture	02-8235-0191-MU	3/20/2002
Mississippi Department of Agriculture and Commerce	02-8328-0039-MU	1/8/2002
New Hampshire Department of Agriculture	02-8208-0171-MU	4/16/2002
New Jersey Department of Agriculture	02-8218-0177-MU	3/14/2002
New York Department of Agriculture and Markets	02-8211-0180-MU	4/25/2002
North Carolina Department of Agriculture and Consumer Services	02-8337-0125-MU	2/26/2002
Ohio Department of Agriculture	02-8230-0170-MU	2/12/2003
Pennsylvania Department of Agriculture	02-8220-0174-MU	3/12/2002
Rhode Island Department of Environmental Management	02-8207-0181-MU	3/26/2002
South Carolina Department of Plant Industries	02-8345-0041-MU	2/26/2002
Tennessee Department of Agriculture	02-8347-0042-MU	2/19/2002
Vermont Department of Agriculture	02-8206-0185-MU	4/16/2002
Virginia Department of Agriculture and Consumer Services	02-8225-0178-MU	5/7/2002
West Virginia Department of Agriculture	02-8234-0055-MU	3/20/2002
Wisconsin Department of Agriculture	02-8234-0368-MU	3/12/2002

FIGURE 6-5-5: List of Active Federal-State MOUs for Eastern States

Cooperating State:	MOU Number:	Date Signed:
Alaska Department of Natural Resources	02-8560-0401-MU	4/4/2002
Arizona Department of Agriculture	02-8540-0532-MU	2/27/2002
Arkansas State Plant Health Board	02-8440-0033-MU	2/27/2002
California Department of Food and Agriculture	02-8520-0398-MU	7/18/2002
Colorado Department of Agriculture	02-8564-0397-MU	2/27/2002
Hawaii Department of Agriculture	04-8510-0094-MU	4/14/2004
Idaho Department of Agriculture	02-8568-0529-MU	4/26/2002
Iowa Department of Agriculture and Land Stewardship	99-8450-0028-MU	4/22/1999
Kansas Department of Agriculture	98-8453-0130-MU	8/20/1998
Louisiana Department of Agriculture	03-82-08-0171-MU	7/02/2003
Missouri Department of Agriculture	03-8447-0031-MU	1/16/2003
Montana Department of Agriculture	03-8572-0628-MU	1/14/2003
Nebraska Department of Agriculture	02-8456-0027-MU	12/31/2001
Nevada Division of Agriculture	03-8576-0749-MU	7/3/2003
New Mexico Department of Agriculture	02-8580-0402-MU	2/22/2002
North Dakota Department of Agriculture	02-8462-0096-MU	4/5/2002
Oklahoma Department of Agriculture	02-8444-0536-MU	2/27/2002
Oregon Department of Agriculture	02-8584-0530-MU	2/27/2002
South Dakota Department of Agriculture	97-8459-0097-MU	8/8/1997
Texas Department of Agriculture	96-8412-0142-MU	9/13/1996
Utah Department of Agriculture	02-8588-0408-MU	2/26/2002
Washington Department of Agriculture	04-8580-0097-MU	11/25/2003
Wyoming Department of Agriculture	96-8592-0399-MU	6/5/1996

FIGURE 6-5-6: List of Active Federal-State MOUs in Western States

